

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 01-184
ACTION AGAINST)	
)	Notice of Administrative
James White, Mayor of Kent)	Charges
)	
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.130 states in part: “No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency...”

RCW 42.17.750 states in part: “(1) No state or local official or state or local official’s agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official’s agency.”

III. **BACKGROUND**

On January 31, 2001, the PDC received a complaint from Martin Plys alleging that James White, Mayor of Kent, solicited contributions for his re-election campaign from City of Kent employees, in violation of RCW 42.17.750, and that public facilities of the City of Kent were used to distribute the solicitation, in violation of RCW 42.17.130. The complaint also alleged that after the solicitation was sent, Mayor White sent an e-mail to city employees, using public facilities, to apologize for the solicitation, in violation of RCW 42.17.130. James White served as a member of the Kent City Council for ten years before becoming the Mayor of Kent in 1994. He was re-elected to a second four-year term in 1997.

IV. **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference and the Addendum to the Report of Investigation and all of its exhibits by reference.

Soliciting Contributions from Employees

On January 30, 2001, James White filed a Candidate Registration (PDC form C-1) for re-election in 2001 as Mayor of Kent. On or about January 20, 2001, Edna White, on behalf of Jim White, sent out an invitation to an election kick-off event to be held on February 1, 2001. The invitation included a solicitation to contribute to Mayor White’s re-election campaign and a contribution return envelope. In past campaigns, Jim White used the services of a campaign manager. For his 2001 re-election campaign, Mayor White’s spouse, Edna White, acted as the campaign manager.

The invitations/solicitations were sent to 39 City of Kent employees at their work address and to six City of Kent employees at their home address. The invitations/solicitations and contribution envelopes were ordered from Sir Speedy printing on January 10, 2001, at a cost of \$619.81.

Postage to mail the solicitations totaled \$1,122.00 and was paid for by Arthur Martin as an in-kind contribution to the Jim White campaign. Two individuals, who were not City of Kent employees, addressed the invitations/solicitations. At the time the list was used by the Jim White campaign, Edna White was aware that the list included employees of the City of Kent.

The City of Kent employees who received the invitation/solicitation were on a list that was obtained from the City of Kent. Edna White requested and received the list from the City of Kent after her husband told her about the list. The list included approximately 300 names, 45 of which were city employees.

Jan Banister, Executive Assistant to Mayor White, created the list to be used as an invitation list for the Sound Transit station opening in the City of Kent in February, 2001. The Mayor's office made city employees aware that they were welcome to attend the Sound Transit station opening. Employees who expressed an interest in attending the event were placed on the invitation list. In addition, the Mayor's office included employees who had been involved in the Sound Transit project. The list was a public document and was given to Edna White in the same manner as other public documents are given to persons requesting such documents.

Most of the employees receiving the invitation/solicitation to the Jim White campaign kick-off were supervisors, managers or coordinators in various city departments such as Parks, Finance, Public Works, Employee Services, Fire, Information Technology, Community Development, Police, and Administration. None of the employees on the list report directly to Mayor White. They report to their respective department heads. The department heads report to the city's Chief Administrative Officer who reports directly to Mayor White.

Soliciting Contributions from Employees and Use of Pubic Facilities to Assist Campaign

On January 26, 2001, five days before his February 1, 2001, election kick-off event, Mayor Jim White used the City of Kent e-mail system to send the following message to “ALL USERS” of the City of Kent e-mail system: *“I would like to apologize to any employees who may have received an invitation to my Election Kick-Off event on Feb.1st. While anyone who would like to attend is welcome, employees were not supposed to receive the mailing. It is NOT my intent to solicit political contributions from employees. If you received an invitation, it was certainly unintentional; please accept my sincere apology. Mayor Jim White.”*

As of January 1, 2001, the City of Kent had approximately 1,800 employees. The City of Kent was unable to verify the number of individual e-mail accounts that existed on January 26, 2001. However, there were approximately 900 e-mail accounts as of August 7, 2001. The “Apology e-mail” sent by Mayor White on January 26, 2001, was sent to approximately 900 city employees.

V.
CONCLUSION

Staff alleges, based on the facts specified in Section IV, that James White, Mayor of Kent, through Edna White, violated RCW 42.17.750 when Edna White, acting as an agent for Mayor White, knowingly solicited contributions to Mayor White’s 2001 re-election campaign from employees of his agency. Edna White obtained from the City of Kent a list of approximately 300 names, including 45 City of Kent employees, and then mailed invitations/solicitations for Mayor White’s election kick-off event to be held February 1, 2001 to the persons on that list. Edna White knew she was mailing the invitations/solicitations to employees of her husband’s agency.

Most of the employees on the list were supervisors, managers or coordinators in various city departments. Given the nature of the list, Mayor White had reason to believe that the names of employees of his agency were on the list. Edna White, on behalf of Jim White, mailed the

invitations/solicitations to 39 City of Kent employees at their work address and to six employees at their home address. The mailing included an envelope soliciting campaign contributions.

Staff alleges, based on the facts specified in Section IV, that Mayor White violated RCW 42.17.750 and RCW 42.17.130 by sending an e-mail to “ALL USERS” of the City of Kent e-mail system, which included approximately 900 of the city’s employees, apologizing to employees who may have received an invitation to his election kick-off event held Feb.1st. By sending the e-mail, which talked about his election kick-off event, Mayor White knowingly solicited contributions to his re-election campaign from employees of his agency, in violation of RCW 42.17.750.

By notifying employees of his re-election campaign and of his election kick-off event, Mayor White also used City of Kent facilities to assist his re-election campaign, in violation of RCW 42.17.130.

RESPECTFULLY SUBMITTED this 16th day of November, 2001.

/s/
Philip E. Stutzman
Director of Compliance